

### **REMARKS/ARGUMENTS**

Applicants thank the Examiner for his careful review of this application. Claims 1-2 and 4-20 have been rejected. Applicants respectfully request reconsideration of the application in view of the following remarks submitted in support thereof.

#### **Obviousness Rejections under 35 U.S.C. §103(a)**

Pending claims 1-2 and 4-20 stand rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 5,954,796 to McCarty et al. in view of admitted prior art (APA) from the background section of Applicants' application. As will be fully explained below, the combination of McCarty et al. in view of APA does not raise a *prima facie* case of obviousness against independent claims 1, 7, and 16.

Independent claim 1 defines a method for facilitating communication with a Fibre Channel controller. Specifically, an Operating System Module (OSM) is capable of altering the functionality of the Fibre Channel controller based on a Fibre Channel attribute value, wherein the Fibre Channel attribute value defines a functionality of the Fibre Channel Controller.

In response to the Applicants' Amendment mailed December 1, 2003, the Examiner notes that "[t]he OS is not aware of the function details of the FC device but the higher level OS compatible/OS environment is presented for OSM, which provides the command to modify the function details of the FC device" (see Final Office Action mailed February 24, 2004 at page 8). Applicants respectfully traverse the Examiner's characterization of McCarty et al. relative to independent claim 1. In particular, McCarty et al. do disclose that the OS (or OSM) "issue IP level commands in order to communicate with the FC devices" (col. 9, lines 19-20). However, such IP level commands cannot directly alter or access the FC information

structure because the OS “need not be aware of subsequent changes in the constituent parts of the FC information structure” (col. 8, line 66 – col. 9, line 1). Instead, a link element provided between an FC environment and an OS-compatible communication interface “facilitates dynamic address changing of the FC devices, which changing is transparent to the OS-compatible upper-level software structures” (col. 4, lines 13-15 and 19-21). As such, instead of the OS directly altering or accessing the FC information structure as asserted by the Examiner, McCarty et al. actually disclose the link element, which is not a part of the OS, directly altering or accessing the FC information structure.

In contrast, independent claim 1 defines the OSM capable of altering the functionality of the Fibre Channel controller based on a Fibre Channel attribute value, wherein the Fibre Channel attribute value defines the functionality of the Fibre Channel Controller. In other words, the OSM can directly alter the Fibre Channel attribute value that defines the functionality of the Fibre Channel Controller. As McCarty et al. teach the OS not being able to directly alter or access the FC information structure associated with the FC devices, McCarty et al. cannot reasonably be considered to teach or suggest the OSM being capable of altering the Fibre Channel attribute value that defines the functionality of the Fibre Channel Controller, as defined in independent claim 1.

To establish a *prima facie* case of obviousness, the prior art references must teach or suggest all the claim limitations. Here, in view of the incorrect characterization of McCarty et al., the references as combined do not teach all the features of the claimed invention. Accordingly, for the above-stated reasons, Applicants submit that independent claim 1 is patentable under 35 U.S.C. §103(a) over McCarty et al. in view of APA. Applicants also submit that independent claims 7 and 16 are patentable for the above-stated reasons in addition to the previously submitted arguments mailed December 1<sup>st</sup>, 2003. Claims 2, 4-6, 8-

15, and 17-20, each of which depends directly or indirectly from independent claims 1, 7, and 16, are likewise patentable under 35 U.S.C §103(a) over McCarty et al. in view of APA for at least the same reasons set forth for independent claims 1, 7, and 16. As a result, Applicants respectfully request the Examiner to withdraw the 35 U.S.C. §103(a) rejection for all pending claims 1-2 and 4-20.

### **Conclusion**

In view of the foregoing, the Applicants respectfully submit that all the pending claims 1-2 and 4-20 are in condition for allowance. Accordingly, a Notice of Allowance is respectfully requested. If the Examiner has any questions concerning the present request for reconsideration, the Examiner is requested to contact the undersigned at (408) 749-6900 ext. 6924. If any additional fees are due in connection with filing this request for reconsideration, the Commissioner is also authorized to charge Deposit Account No. 50-0805 (Order No. ADAPP169). A duplicate copy of the transmittal is enclosed for this purpose.

Respectfully submitted,  
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